IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 207 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE Sd/-
and
Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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COMMISSIONER OF INCOME-TAX

Versus

KEDRAJ AGRICULTURAL INDUSTRIES

Appearance:

1. INCOME TAX REFERENCE No. 207 of 1986
MR MANISH R BHATT for Petitioner No. 1
SERVED BY RPAD - (N) for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE D.A.MEHTA

Date of decision: 05/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE D.A.MEHTA)

1 The Income-tax Appellate Tribunal, Ahmedabad Bench 'C' has referred the following question for our opinion :

"Whether, the relief U/s.80-HH of the I.T.Act,1961 is required to be worked out with reference to gross total Income which included interest to partners ?"

2 It is not necessary for us to set out the facts in detail as the controversy stands concluded by the decision of this Court in Income Tax Reference No.138 of 1985 dated 15/06/2001.

3 We, therefore, answer the question referred to us in the affirmative i.e. in favour of the assessee and against the revenue. The Reference stands disposed of accordingly with no order as to costs.

Sd/- Sd/-
(A.R.Dave, J) (D.A.Mehta,J)

m.m.bhatt